

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

**DEFENDANT’S MOTION TO COMPEL DISCOVERY RESPONSES
FROM THE OFFICE OF THE CHIEF MEDICAL EXAMINER**

Pursuant to Rules 26, 34, 37, and 45 of the Federal Rules of Civil Procedure, Defendant AmerisourceBergen Drug Corporation (“Defendant”), by counsel, hereby move for an order compelling the Office of the Chief Medical Examiner (“OCME”) to produce documents and communications responsive to Defendant’s Subpoena to Produce Documents, Information, or Objections to the Office of the Chief Medical Examiner served on February 24, 2020, so that Defendant may have a meaningful opportunity to obtain the fact discovery needed to defend itself in this matter. Defendant seeks to compel the OCME to produce documents responsive to four priority requests (Request Nos. 2, 4, 16, and 32) as well as several requests for which the OCME

stated it would continue to search responsive documents and supplement its response accordingly (Request Nos. 12, 18, 22, 23, 24, 25, and 27). Defendant's Motion should be granted for the reasons set forth in the accompanying memorandum of law, which is incorporated here.

Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum, and upon which this Motion relies, are attached to this Motion. Defendant further certifies that it has contacted the OCME to resolve the subject discovery dispute without court intervention but has failed come to agreement with the OCME regarding Defendant's priority requests or otherwise receive supplementary responses to those requests identified above.

Dated: May 15, 2020

Respectfully submitted,

AmerisourceBergen Drug Corporation

By Counsel:

/s/ Gretchen M. Callas

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020 Defendant's Motion to Compel Discovery Responses from the Office of the Chief Medical Examiner was sent to Counsel for the Plaintiffs and Defendants using the Court's CM/ECF system, which will send notification of such filing to all counsel of record. Notice of Defendant's Motion to Compel as well as copies of the Motion and its exhibits have been sent to Counsel for the Office of the Chief Medical Examiner, Allen Campbell and M. Claire Winterholler, by electronic mail to the following e-mail addresses: Allen.B.Campbell@wv.gov; and M.Claire.Winterholler@wv.gov.

/s/ Gretchen M. Callas
Gretchen M. Callas (WVSB # 7136)